

COCHRAN NEUFELD & SCHECK, LLP

99 Hudson Street
New York, New York 10013

Tel: 212-965-9081

Fax: 212-965-9084

Peter J. Neufeld
Barry C. Scheck
Nick J. Brustein
Debi Cornwall

Johnnie L. Cochran, Jr.
(1937-2005)

Jennifer E. Laurin
Monica R. Shah
Anna Benvenutti Hoffmann

August 29, 2007

By Electronic Mail and U.S. Mail

Mike Halpin, Esq.
Massachusetts Dept. of the State Police,
Office of the Chief Legal Counsel
470 Worcester Road
Framingham, MA 01702

Re: Waters v. Town of Ayer et al., No. 04 Civ. 10521

Dear Mr. Halpin:

As I mentioned yesterday when we talked, photographs in the Baliunas file and chain of custody documentation from previously disclosed files now lead us to believe that the state police has two pieces of physical evidence containing fingerprints in its possession: a piece of a toaster with a bloody print on it (possibly identified as Item #19 by the state crime lab), and the cold water tap taken out of the victim's sink. I believe these items fall within our earlier subpoenas for evidence in the case, and we would like to have them sent to our fingerprint examiner, Ron Smith, for examination. Please advise if you are able to locate these items and, if so, whether you will send them to Mr. Smith or whether you will require a new subpoena. I'm happy to walk you through our chain of custody documentation if that would help you track down this evidence.

In addition, we discussed the possibility of making State Police Trooper Al Hunte available to talk by phone, in your presence, about his reinvestigation of the case with regard to the fingerprint evidence, as it seems he may have information about this evidence and its analysis. I understand you will need authorization from the District Attorney's Office and am

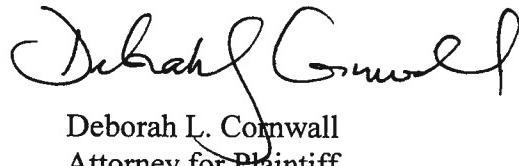
copying attorney John Ofilos on this request. We are also asking Mr. Ofilos if the D.A.'s Office' will consent to the same arrangement with Sheila Calkins to briefly ask her about certain pages of her notes from 2001 pertaining to this print evidence.

In the alternative, we'd ask you both, with notice to opposing counsel who is copied on this letter, to consent to short depositions of Mr. Hunte and Ms. Calkins, limited to this print issue, given our recent discovery of new information.

Given that we first learned of the existence of a toaster print from a photograph in the Baliunas file, which we found after discovery had closed, we will need to know your position as soon as possible so that we may move the Court to order a deposition if you and Mr. Tehan do not consent. I appreciate your ongoing cooperation under these highly unusual circumstances.

Please do not hesitate to contact me about the case.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah L. Cornwall".

Deborah L. Cornwall
Attorney for Plaintiff

cc: John Ofilos, Esq.
Jay Tehan, Esq.
Rob Feldman